

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
ON APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Philip S. Siegel  
Serial No.: 09/817,353  
Filing Date: March 26, 2001  
Group Art Unit: 3627  
Examiner: Mussa A. Shaawat  
Confirmation No.: 4525  
Title: SYSTEM AND METHOD FOR SINGLE-ACTION RETURNS  
OF REMOTELY PURCHASED MERCHANDISE

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**CORRECTED APPEAL BRIEF**

Appellant has appealed to the Board of Patent Appeals and Interferences ("Board") from the Final Office Action dated November 19, 2008. Appellant filed a Notice of Appeal on February 19, 2009 with the statutory fee of \$270.00. Appellants filed an Appeal Brief with the statutory fee of \$270.00 on April 14, 2009. Appellants respectfully submit this Corrected Appeal Brief in response to the Notification of Noncompliant Appeal Brief dated May 13, 2009. As requested by the Examiner, only the amended sections of the Appeal Brief are submitted now.

### Status of Amendments

Applicants submitted an amendment to Claim 41 in the Response to final Office Action submitted on January 20, 2009. The amendment returned Claim 41 to dependent form. In the Advisory Action delivered on February 4, 2009, the Examiner indicated that the amendments to Claim 41 would not be entered. Thus, for purposes of Appeal, Claim 41 remains in independent form.

All other amendments submitted by Appellant have been entered by the Examiner.

### Arguments

Claims 1-2, 4-6, 9, 35-41, and 44-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,980,862 issued to Arganbright et al. (“*Arganbright*”) in view of U.S. Patent No. 6,246,997 issued to Cybul et al. (“*Cybul*”). Claims 3, 7-8, and 42-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Arganbright* in view of *Cybul* in further view of U.S. Patent Application Publication No. 2002/0010634 issued to Roman et al. (“*Roman*”) and official notice. For at least the following reasons, Appellant respectfully submits that these rejections are improper and should be reversed by the Board. Appellant addresses independent Claims 1 and 46 and dependent Claims 35, 39, 41, and 44 below.

#### **I. Legal Standard for Obviousness**

The question raised under 35 U.S.C. § 103 is whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art at the time of the invention. One of the three basic criteria that must be established by an Examiner to establish a *prima facie* case of obviousness is that “the prior art reference (or references when combined) must teach or suggest ***all the claim limitations***.” See M.P.E.P. § 706.02(j) citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991) (emphasis added). “***All words*** in a claim must be considered in judging the patentability of that claim against the prior art.” See M.P.E.P. § 2143.03 citing *In re Wilson*, 424 F.2d 1382, 1385 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970) (emphasis added).

In addition, even if all elements of a claim are disclosed in various prior art references, which is certainly not the case here as discussed below, the claimed invention taken as a whole still cannot be said to be obvious without some reason why one of ordinary skill at the time of the invention would have been prompted to modify the teachings of a reference or combine the teachings of multiple references to arrive at the claimed invention.

The controlling case law, rules, and guidelines repeatedly warn against using an Appellant's disclosure as a blueprint to reconstruct the claimed invention. For example, the M.P.E.P. states, "The tendency to resort to 'hindsight' based upon Appellant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art." M.P.E.P. § 2142.

The U.S. Supreme Court's decision in *KSR Int'l Co. v. Teleflex, Inc.* reiterated the requirement that Examiners provide an explanation as to why the claimed invention would have been obvious. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 (2007). The analysis regarding an apparent reason to combine the known elements in the fashion claimed in the patent at issue "should be made explicit." *KSR*, 127 S.Ct. at 1740-41. "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* at 1741 (internal quotations omitted).

The new examination guidelines issued by the PTO in response to the *KSR* decision further emphasize the importance of an explicit, articulated reason why the claimed invention is obvious. Those guidelines state, in part, that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57526, 57528-29 (Oct. 10, 2007) (internal citations omitted). The guidelines further describe a number of rationales that, in the PTO's view, can support a finding of obviousness. *Id.* at 57529-34. The guidelines set forth a number of particular findings of fact that must be made and explained by the Examiner to support a finding of obviousness based on one of those rationales. *See id.*

**II. Claims 1-2, 4-6, 9, 35-41, and 44-46 are Patentable under 35 U.S.C. § 103(a) over the *Arganbright-Cybul* Combination**

The *Final Office Action* is deficient at least because the cited references, taken alone or in combination, do not disclose, teach, or suggest all the elements of Appellant's Claims 1-2, 4-6, 9, 35-41, and 44-46.

**A. Claims 1-2, 4-6, 9, 36-38, 40, and 45-46 are Allowable**

For example, independent Claim 1 of the present Application, as amended, recites:

A method of using the Internet to provide return labels to customers for facilitating returns of merchandise, comprising the steps of:

receiving, from a consumer, an electronic request via a computerized system associated with the consumer, the electronic request requesting to initiate processing of one or more items of merchandise purchased by the consumer in a prior purchase transaction;

*in response to receiving the electronic request from the computing system associated with the consumer, gathering transaction history data associated with the consumer from a computerized database;*

displaying the transaction history associated with the identified consumer to the consumer on the computerized system associated with the consumer, the transaction history identifying a listing of merchandise associated with the consumer;

*in response to and after displaying the transaction history, receiving an electronic selection, generated by the consumer on the computerized system associated with the consumer, of a particular item of merchandise within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and identifying the particular item of merchandise for returns processing; and*

*in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise, initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in the prior purchase transaction, the returns process initiated by a returns server.*

Because the proposed *Arganbright-Cybul* combination does not disclose, teach, or suggest at least the claim elements emphasized above, Appellant submits that the rejection of Claim 1 is improper and should be withdrawn. Because independent Claim 46 recites certain similar

claim elements, Appellant submits that the rejections of Claim 46 is improper for analogous reasons and should also be withdrawn.

1. ***The proposed combination does not disclose, teach, or suggest “in response to and after displaying the transaction history, receiving an electronic selection, generated by the consumer on the computerized system associated with the consumer, of a particular item of merchandise within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and identifying the particular item of merchandise for returns processing.”***

As a first example of the deficiencies of the *Arganbright-Cybul* combination, Appellant respectfully submits that the cited references do not disclose, teach, or suggest “in response to and after displaying the transaction history, receiving an electronic selection, generated by the consumer on the computerized system associated with the consumer, of a particular item of merchandise within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and identifying the particular item of merchandise for returns processing,” as recited in Claim 1. In the *Final Office Action*, the Examiner acknowledges that *Arganbright* does not disclose the recited claim elements and instead relies upon *Cybul*. (*Final Office Action*, page 3). Appellant respectfully disagrees.

The cited portion of *Cybul* merely discloses “a list builder tool” that “efficiently find[s] and select[s] the past shopping history of respective shoppers and import[s] that data to the list builder’s on-line historical purchase list database, thereby making it available for the shoppers’ first and subsequent on-line shopping experiences.” (*Cybul*, Column 4, lines 25-35). Thus, the selection referred to by *Cybul* is performed by a server-based “list builder tool.” The application finds and selects items previously purchased by the customer. The selection, however, is not by a customer, via a web access tool. The selection is not a click on the particular item of merchandise, and the selection does not identify a particular item of merchandise for returns processing. Accordingly, it is Appellant’s position that neither *Arganbright* nor *Cybul* (or their proposed combination) disclose, teach, or suggest “in response to and after displaying the transaction history, receiving **an electronic selection, generated by the consumer** on the computerized system associated with the consumer, of **a particular item of merchandise** within the listing of merchandise in the displayed transaction history, the

electronic selection comprising a click on the particular item of merchandise within the list of merchandise and **identifying the particular item of merchandise for returns processing**,” as recited in Claim 1. The recited claim elements are absent from the disclosures of *Arganbright* and *Cybul*.

Additionally, Appellant submits that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Arganbright* in view of *Cybul* to include an electronic selection from a displayed list of items to the consumer to identify an item for returns processing. *Arganbright* discloses that the process for handling returns begins when “the system presents the user with a copy of the satisfaction guarantee 2702.” (*Arganbright*, Column 63, lines 3-5). Thus, the process initiates with the presentation of the return policy to the user. “After the user has a chance to review satisfaction guarantee 2702, the user selects whether the user wishes to “return” or “exchange” (box 2704) an item or plurality of items.” (*Arganbright*, Column 63, lines 8-11). Thus, the first electronic request received from the user relating to the return of a product is the selection of either a “return” button or an “exchange” button. “If the user selects “return,” an online return form 2706 is presented to the user.” (*Arganbright*, Column 63, lines 12-13). “The user is then requested to enter a plurality of information (box 2708) on return form 2706, including but not limited to, quantity, stock number or SKU, the reason for the return, product description, and an invoice number.” (*Arganbright*, Column 63, lines 13-17, emphasis added). Once the return form is populated by the customer’s input, the return form is “presented to the user in a format (box 2710) that can be printed on a conventional printer connected to the user’s computer” and that the user “is requested to print the form and include the form in the box containing the product or products to be returned.” (*Arganbright*, Column 63, lines 23-29). Thus, the form must be filled out by the customer and the transaction information is provided in the box of merchandise returned by the customer. Nothing is presented to the user that would be appropriate for selection by a click on a particular item of merchandise to identify that item for returns processing.

Even when considered in conjunction with the disclosure of *Cybul*, Appellant’s claim language would not have been obvious to one of ordinary skill in the art. As discussed above, *Cybul* relates to a system for online shopping that “takes advantage of the data already being gathered by POS systems on consumer shopping habits and preferences.” (*Cybul*, Column 1, lines 36-38). Specifically, *Cybul* discloses that where a vendor’s POS system “supports a

frequent shopper or loyalty program . . . [or] a database of historical purchase data indexed by loyalty customer,” the information may be extracted from the vendor’s POS system. (*Cybul*, Column 4, lines 25-34; Column 1, lines 63-65). As a result, a list builder tool can “efficiently find and select the past shopping history of respective shoppers and import that data to the list builder’s on-line historical purchase list database, thereby making it available for the shoppers’ first and subsequent on-line shopping experiences.” (*Cybul*, Column 4, lines 29-34). As such, *Cybul* merely discloses that a shopper’s purchases in a brick-and-mortar store are used to develop an online shopping list for that shopper’s subsequent purchases on-line.

Accordingly, at most the *Arganbright-Cybul* combination discloses that during an online purchase, a customer’s in store purchases may be used to efficiently develop an on-line shopping list. If an item were needed to be returned after the purchase is complete, the proposed combination merely discloses that a return form could be obtained on-line and filled out by the customer on the customer’s computer, as disclosed in *Arganbright*. The form would then be printed and placed in the box for shipping. It would not have been obvious to one of ordinary skill in the art to modify the return process of *Arganbright* and the purchase process of *Cybul* to result in Appellant’s recited step of “in response to and after displaying the transaction history, **receiving an electronic selection, generated by the consumer** on the computerized system associated with the consumer, of **a particular item of merchandise** within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and **identifying the particular item of merchandise for returns processing**,” as recited in Claim 1.

For at least these additional reasons, Appellant respectfully requests reconsideration and allowance of independent Claim 1, together with Claims 2, 4-6, 9, 36-38, 40, and 45 that depend on Claim 1. For analogous reasons, Appellant also requests reconsideration and allowance of independent Claim 46.

2. ***The proposed combination does not disclose, teach, or suggest “in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise, initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in the prior purchase transaction, the returns process initiated by a returns server.”***

As a second example of the deficiencies of the *Arganbright-Cybul* combination, Appellant respectfully submits that the cited references do not disclose, teach, or suggest “in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise, initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in the prior purchase transaction, the returns process initiated by a returns server,” as recited in Claim 1. In the *Final Office Action*, the Examiner relies upon *Arganbright* for the operation of initiating a returns process by a returns server in response to a selection of an item. (*Final Office Action*, page 2). Initially, Appellant respectfully notes that Appellant’s claim does not merely recite receiving from the consumer an electronic request to initiate return processing. Appellant’s claim recites “initiating a returns process for the particular item of merchandise . . . by a returns server,” and this operation is not disclosed in *Arganbright*.

*Arganbright* merely discloses that “[a]fter the user has a chance to review satisfaction guarantee 2702, the user selects whether the user wishes to “return” or “exchange” (box 2704) an item or plurality of items.” (Column 63, lines 8-11). Thus, this portion refers to the selection of either a “return” button or an “exchange” button by a user. Appellants point out that the selection of the “return” button occurs before the user populates the form and before the user identifies a product by sku # for return. (Column 63, lines 12-22). As a result, the selection of the “return” button occurs before an item of merchandise is identified for return. The mere presentation of form before the identification of the product to be returned is not analogous to “initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in the prior purchase transaction, the returns process initiated by a returns server,” as recited by Appellant’s amended Claim 1. Further, because there is no disclosure in *Arganbright* of any returns processing being initiated after the form is populated, the system of *Arganbright* cannot be said to perform any returns processing.



Appellant additionally notes that in the *Final Office Action* the Examiner relies upon *Cybul* for disclosure of the electronic selection of the particular item of merchandise and upon *Arganbright* for the operation of initiating a returns process by a returns server. (*Final Office Action*, pages 3-5). However, Appellant's claim recites a specific order to and interrelation between the steps of the claimed method. Specifically, Claim 1 recites "in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise, initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in the prior purchase transaction, the returns process initiated by a returns server." Thus, a click on a particular item of merchandise previously purchased by a customer is first received from a customer. Then, in response to that click, a returns process for the selected item of merchandise is initiated by a returns server.

To the extent that *Arganbright* discloses initiating a returns process by a returns server (which Appellant expressly disputes above), such returns process is not "in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise" from the customer. Appellant also notes that *Cybul* does not at all relate to a returns process or to the processing of returns of merchandise. Even more troubling, as shown above in Section A(1) of this Response, *Cybul* does not even disclose the recited "electronic selection comprising the click on the particular item of merchandise" from the customer. The M.P.E.P. provides that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). Because of the deficiencies of these references and the deficiencies of their proposed combination, Appellants respectfully submit that the piecemeal rejection of Appellant's claim over the proposed *Arganbright-Cybul* combination fails to give credence to the particular combination of claim elements and the sequence of claim steps specifically recited in Appellant's claim.

For at least these additional reasons, Appellant respectfully requests reconsideration and allowance of independent Claim 1, together with Claims 2, 4-6, 9, 36-38, 40, and 45 that depend on Claim 1. For analogous reasons, Appellant also requests reconsideration and allowance of independent Claim 46.

3. **The proposed combination does not disclose, teach, or suggest “in response to receiving the electronic request from the computing system associated with the consumer, gathering transaction history data associated with the consumer from a computerized database.”**

As a third example of the deficiencies of the *Arganbright-Cybul* combination, Appellant’s Claim 1 recites “in response to receiving the return request from the customer, gathering transaction history data associated with the customer from a computerized database.” Thus, Appellant’s claim recites a specific order to the steps of the claimed method. First, a return request is received via the Internet. Then, in response to that return request, transaction history data associated with the customer is gathered from a computerized database. Appellant respectfully submits that the proposed *Arganbright-Cybul* combination does not disclose, teach, or suggest the features and operations recited in Appellant’s claim.

In the *Office Action*, the Examiner acknowledges that *Arganbright* does not disclose the recited claim elements and instead relies upon *Cybul*, specifically, for disclosure of the recited claim elements. (*Office Action*, page 3). Appellant respectfully disagrees. *Cybul* relates to a system for online shopping that “takes advantage of the data already being gathered by POS systems on consumer shopping habits and preferences.” (*Cybul*, Column 1, lines 36-38). Specifically, *Cybul* discloses that where a vendor’s POS system “supports a frequent shopper or loyalty program . . . [or] a database of historical purchase data indexed by loyalty customer,” the information may be extracted from the vendor’s POS system. (*Cybul*, Column 4, lines 25-34; Column 1, lines 63-65; Abstract). As a result, a list builder tool can “efficiently find and select the past shopping history of respective shoppers and import that data to the list builder’s on-line historical purchase list database, thereby making it available for the shoppers’ first and subsequent on-line shopping experiences.” (*Cybul*, Column 4, lines 29-34; Abstract). As such, *Cybul* merely discloses that a shopper’s purchases in a brick-and-mortar store are used to develop an online shopping list for that shopper’s subsequent purchases on-line. *Cybul* does not at all relate to a returns process and, thus, does not disclose, teach, or suggest gathering transaction history data associated with the customer from a computerized database “***in response to receiving the electronic request from the computing system associated with the consumer.***”

For at least these additional reasons, Appellant respectfully requests reconsideration and allowance of independent Claim 1, together with Claims 2, 4-6, 9, 36-38, 40, and 45 that

depend on Claim 1. For analogous reasons, Appellant also requests reconsideration and allowance of independent Claim 46.

**B. Claim 35 is Allowable**

Dependent Claim 35 depends upon independent Claim 1, which Appellant has shown above to be allowable. Accordingly, dependent Claim 35 is not obvious over the proposed combination of references at least because Claim 35 includes the limitations of independent Claim 1. Additionally, the *Final Office Action* is further deficient because the cited references, taken alone or in combination, do not disclose, teach, or suggest all the elements of Appellant's dependent Claim 35.

For example, the proposed *Arganbright-Cybul* combination does not disclose, teach, or suggest "completing the returns process based upon settings in the consumer preference profile," as recited in Claim 35. In the *Final Office Action*, the Examiner relies specifically upon *Arganbright* for disclosure of the recited claim elements. (*Final Office Action*, page 6). However, *Arganbright* merely discloses a program that "tracks a Member's shopping history." (*Arganbright*, Column 65, lines 7-10). According to *Arganbright*, once a shopper completes the payment information and submits the order during an initial purchase, an email notification is sent to the consumer, and the email may include details such as "order status, order number, line item details, sub totals, tax shipping, service charges, and a grand total" as well as "shipping/billing information" and "a link that allows the user to view order details." (*Arganbright*, Column 62, lines 31-44). The disclosed email notification is not at all related to a returns process and certainly does not include "retrieving a preference profile for the identified customer" and "completing the returns process based upon settings in the consumer preference profile," as required by Claim 35.

In the case of a return, it is handled "via an online form." (*Arganbright*, Column 62, lines 57-59). According to *Arganbright*, the process initiates with the presentation of the return policy to the user. "After the user has a chance to review satisfaction guarantee 2702, the user selects whether the user wishes to "return" or "exchange" (box 2704) an item or plurality of items." (*Arganbright*, Column 63, lines 8-11). Thus, the first electronic request received from the user relating to the return of a product is the selection of either a "return"

button or an “exchange” button. “If the user selects “return,” an online return form 2706 is presented to the user.” (*Arganbright*, Column 63, lines 12-13). “The user is then requested to enter a plurality of information (box 2708) on return form 2706, including but not limited to, quantity, stock number or SKU, the reason for the return, product description, and an invoice number.” (*Arganbright*, Column 63, lines 13-17, emphasis added). Once the return form is populated by the customer’s input, the return form is “presented to the user in a format (box 2710) that can be printed on a conventional printer connected to the user’s computer” and that the user “is requested to print the form and include the form in the box containing the product or products to be returned.” (*Arganbright*, Column 63, lines 23-29). Thus, the form must be filled out by the customer and the transaction information is provided in the box of merchandise returned by the customer. There is no disclosure in *Arganbright* or the *Arganbright-Cybul* combination of “retrieving a preference profile for the identified customer” and “completing the returns process based upon settings in the consumer preference profile,” as required by Claim 35.

For at least these reasons, Appellant respectfully requests reconsideration and allowance Claim 35.

**C. Claim 39 is Allowable**

Dependent Claim 39 depends upon independent Claim 1, which Appellant has shown above to be allowable. Accordingly, dependent Claim 39 is not obvious over the proposed combination of references at least because Claim 39 includes the limitations of independent Claim 1. Additionally, the *Final Office Action* is further deficient because the cited references, taken alone or in combination, do not disclose, teach, or suggest all the elements of Appellant’s dependent Claim 39.

For example, the proposed *Arganbright-Cybul* combination does not disclose, teach, or suggest “receiving transaction history data from a retailer on a periodic basis,” as recited in Claim 39. In the *Final Office Action*, the Examiner relies specifically upon *Arganbright* for disclosure of the recited claim elements. (*Final Office Action*, page 5). However, the cited portion of *Arganbright* merely discloses a client/server system in which a customer can purchase items from a product list 90. (*Arganbright*, Column 48, lines 1-65). According to

*Arganbright*, “in order to select a product for purchase, a user fills in a quantity 92 on product list 90.” (*Arganbright*, Column 48, lines 33-34). “Upon selecting the quantities for purchase for a plurality of products, the user can then initiate the Add to Basket link 94, by double clicking a mouse, for example, to add the selected products to a shopping basket.” (*Arganbright*, Column 48, lines 35-38). Thus, the cited portion of *Arganbright* merely relates to the purchasing of an item by a consumer by adding items from a product list to a virtual shopping basket. There is no disclosure in the cited portion or in any other portion of *Arganbright* of “receiving transaction history data **from a retailer on a periodic basis,” as recited in Claim 39.**

For at least these reasons, Appellant respectfully requests reconsideration and allowance Claim 39.

**D. Claim 44 is Allowable**

Dependent Claim 44 depends upon independent Claim 1, which Appellant has shown above to be allowable. Accordingly, dependent Claim 44 is not obvious over the proposed combination of references at least because Claim 44 includes the limitations of independent Claim 1. Additionally, the *Final Office Action* is further deficient because the cited references, taken alone or in combination, do not disclose, teach, or suggest all the elements of Appellant’s dependent Claim 44.

For example, the proposed *Arganbright-Cybul* combination does not disclose, teach, or suggest that initiating the return process comprises “determining if the selected item of merchandise is perishable,” as recited in Claim 44. In the *Final Office Action*, the Examiner relies specifically upon *Arganbright* for disclosure of the recited claim elements. (*Final Office Action*, page 5). However, *Arganbright* merely discloses a process for handling returns that begins when “the system presents the user with a copy of the satisfaction guarantee 2702.” (*Arganbright*, Column 63, lines 3-5). Thus, the process initiates with the presentation of the return policy to the user. “After the user has a chance to review satisfaction guarantee 2702, the user selects whether the user wishes to “return” or “exchange” (box 2704) an item or plurality of items.” (*Arganbright*, Column 63, lines 8-11). Thus, the first electronic request received from the user relating to the return of a product is the selection of either a “return”

button or an “exchange” button. “If the user selects “return,” an online return form 2706 is presented to the user.” (*Arganbright*, Column 63, lines 12-13). “The user is then requested to enter a plurality of information (box 2708) on return form 2706, including but not limited to, quantity, stock number or SKU, the reason for the return, product description, and an invoice number.” (*Arganbright*, Column 63, lines 13-17, emphasis added). Once the return form is populated by the customer’s input, the return form is “presented to the user in a format (box 2710) that can be printed on a conventional printer connected to the user’s computer” and that the user “is requested to print the form and include the form in the box containing the product or products to be returned.” (*Arganbright*, Column 63, lines 23-29). Thus, *Arganbright* merely discloses a form that must be filled out by the customer and placed in the box with the merchandise returned by the customer. At most, *Arganbright* discloses the customer identifying the reason for the return. However, there is no disclosure in the cited portion or in any other portion of *Arganbright* that initiating the return process comprises “determining if the selected item of merchandise is perishable,” as recited in Claim 44.

For at least these reasons, Appellant respectfully requests reconsideration and allowance Claim 44.

**E. Claim 41 is Allowable**

For example, independent Claim 41 of the present Application, as presented, recites:

A method for processing the returns of merchandise purchased through the World Wide Web comprising:

receiving, from a consumer, an electronic request via a computerized system associated with the consumer, the electronic request requesting to initiate processing of one or more items of merchandise purchased by the consumer in a prior purchase transaction;

*in response to receiving the electronic request from the computing system associated with the consumer, gathering transaction history data associated with the consumer from a computerized database;*

displaying the transaction history associated with the identified consumer to the consumer on the computerized system associated with the consumer, the transaction history identifying a listing of merchandise associated with the consumer;

*in response to and after displaying the transaction history, receiving an electronic selection, generated by the consumer on the computerized*

*system associated with the consumer, of a particular item of merchandise within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and identifying the particular item of merchandise for returns processing; and*

*initiating a returns process in response to receiving the electronic selection; and*

*wherein identifying the consumer comprises receiving a client system identifier in a message from the consumer.*

Because the proposed *Arganbright-Cybul* combination does not disclose, teach, or suggest at least the claim elements emphasized above, Appellant submits that the rejection of Claim 41 is improper and should be withdrawn.

- 1. The proposed combination does not disclose, teach, or suggest “in response to and after displaying the transaction history, receiving an electronic selection, generated by the consumer on the computerized system associated with the consumer, of a particular item of merchandise within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and identifying the particular item of merchandise for returns processing.”**

As a first example of the deficiencies of the *Arganbright-Cybul* combination, Appellant respectfully submits that the cited references do not disclose, teach, or suggest “in response to and after displaying the transaction history, receiving an electronic selection, generated by the consumer on the computerized system associated with the consumer, of a particular item of merchandise within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and identifying the particular item of merchandise for returns processing,” as recited in Claim 41. In the *Final Office Action*, the Examiner acknowledges that *Arganbright* does not disclose the recited claim elements and instead relies upon *Cybul*. (*Final Office Action*, page 3). Appellant respectfully disagrees.

The cited portion of *Cybul* merely discloses “a list builder tool” that “efficiently find[s] and select[s] the past shopping history of respective shoppers and import[s] that data to the list builder’s on-line historical purchase list database, thereby making it available for the shoppers’ first and subsequent on-line shopping experiences.” (*Cybul*, Column 4, lines 25-35). Thus, the

selection referred to by *Cybul* is performed by a server-based “list builder tool.” The application finds and selects items previously purchased by the customer. The selection, however, is not by a customer, via a web access tool. The selection is not a click on the particular item of merchandise, and the selection does not identify a particular item of merchandise for returns processing. Accordingly, it is Appellant’s position that neither *Arganbright* nor *Cybul* (or their proposed combination) disclose, teach, or suggest “in response to and after displaying the transaction history, receiving **an electronic selection, generated by the consumer** on the computerized system associated with the consumer, of **a particular item of merchandise** within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and **identifying the particular item of merchandise for returns processing,**” as recited in Claim 41. The recited claim elements are absent from the disclosures of *Arganbright* and *Cybul*.

Additionally, Appellant submits that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Arganbright* in view of *Cybul* to include an electronic selection from a displayed list of items to the consumer to identify an item for returns processing. *Arganbright* discloses that the process for handling returns begins when “the system presents the user with a copy of the satisfaction guarantee 2702.” (*Arganbright*, Column 63, lines 3-5). Thus, the process initiates with the presentation of the return policy to the user. “After the user has a chance to review satisfaction guarantee 2702, the user selects whether the user wishes to “return” or “exchange” (box 2704) an item or plurality of items.” (*Arganbright*, Column 63, lines 8-11). Thus, the first electronic request received from the user relating to the return of a product is the selection of either a “return” button or an “exchange” button. “If the user selects “return,” an online return form 2706 is presented to the user.” (*Arganbright*, Column 63, lines 12-13). “The user is then requested to enter a plurality of information (box 2708) on return form 2706, including but not limited to, quantity, stock number or SKU, the reason for the return, product description, and an invoice number.” (*Arganbright*, Column 63, lines 13-17, emphasis added). Once the return form is populated by the customer’s input, the return form is “presented to the user in a format (box 2710) that can be printed on a conventional printer connected to the user’s computer” and that the user “is requested to print the form and include the form in the box containing the product or products to be returned.” (*Arganbright*, Column 63, lines 23-29). Thus, the form must be



filled out by the customer and the transaction information is provided in the box of merchandise returned by the customer. Nothing is presented to the user that would be appropriate for selection by a click on a particular item of merchandise to identify that item for returns processing.

Even when considered in conjunction with the disclosure of *Cybul*, Appellant's claim language would not have been obvious to one of ordinary skill in the art. As discussed above, *Cybul* relates to a system for online shopping that "takes advantage of the data already being gathered by POS systems on consumer shopping habits and preferences." (*Cybul*, Column 1, lines 36-38). Specifically, *Cybul* discloses that where a vendor's POS system "supports a frequent shopper or loyalty program . . . [or] a database of historical purchase data indexed by loyalty customer," the information may be extracted from the vendor's POS system. (*Cybul*, Column 4, lines 25-34; Column 1, lines 63-65). As a result, a list builder tool can "efficiently find and select the past shopping history of respective shoppers and import that data to the list builder's on-line historical purchase list database, thereby making it available for the shoppers' first and subsequent on-line shopping experiences." (*Cybul*, Column 4, lines 29-34). As such, *Cybul* merely discloses that a shopper's purchases in a brick-and-mortar store are used to develop an online shopping list for that shopper's subsequent purchases on-line.

Accordingly, at most the *Arganbright-Cybul* combination discloses that during an online purchase, a customer's in store purchases may be used to efficiently develop an on-line shopping list. If an item were needed to be returned after the purchase is complete, the proposed combination merely discloses that a return form could be obtained on-line and filled out by the customer on the customer's computer, as disclosed in *Arganbright*. The form would then be printed and placed in the box for shipping. It would not have been obvious to one of ordinary skill in the art to modify the return process of *Arganbright* and the purchase process of *Cybul* to result in Appellant's recited step of "in response to and after displaying the transaction history, receiving an electronic selection, generated by the consumer on the computerized system associated with the consumer, of a particular item of merchandise within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and identifying the particular item of merchandise for returns processing," as recited in Claim 41.

For at least these additional reasons, Appellant respectfully requests reconsideration and allowance of independent Claim 41.

2. **The proposed combination does not disclose, teach, or suggest “in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise, initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in the prior purchase transaction, the returns process initiated by a returns server.”**

As a second example of the deficiencies of the *Arganbright-Cybul* combination, Appellant respectfully submits that the cited references do not disclose, teach, or suggest “in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise, initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in the prior purchase transaction, the returns process initiated by a returns server,” as recited in Claim 41. In the *Final Office Action*, the Examiner relies upon *Arganbright* for the operation of initiating a returns process by a returns server in response to a selection of an item. (*Final Office Action*, page 2). Initially, Appellant respectfully notes that Appellant’s claim does not merely recite receiving from the consumer an electronic request to initiate return processing. Appellant’s claim recites “initiating a returns process for the particular item of merchandise . . . by a returns server,” and this operation is not disclosed in *Arganbright*.

*Arganbright* merely discloses that “[a]fter the user has a chance to review satisfaction guarantee 2702, the user selects whether the user wishes to “return” or “exchange” (box 2704) an item or plurality of items.” (Column 63, lines 8-11). Thus, this portion refers to the selection of either a “return” button or an “exchange” button by a user. Appellants point out that the selection of the “return” button occurs before the user populates the form and before the user identifies a product by sku # for return. (Column 63, lines 12-22). As a result, the selection of the “return” button occurs before an item of merchandise is identified for return. The mere presentation of form before the identification of the product to be returned is not analogous to “initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in the prior purchase transaction, the returns process initiated by a returns server,” as recited by Appellant’s amended Claim 41. Further, because there is no disclosure in *Arganbright* of any returns processing

being initiated after the form is populated, the system of *Arganbright* cannot be said to perform any returns processing.

Appellant additionally notes that in the *Final Office Action* the Examiner relies upon *Cybul* for disclosure of the electronic selection of the particular item of merchandise and upon *Arganbright* for the operation of initiating a returns process by a returns server. (*Final Office Action*, pages 3-5). However, Appellant's claim recites a specific order to and interrelation between the steps of the claimed method. Specifically, Claim 41 recites "in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise, initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in the prior purchase transaction, the returns process initiated by a returns server." Thus, a click on a particular item of merchandise previously purchased by a customer is first received from a customer. Then, in response to that click, a returns process for the selected item of merchandise is initiated by a returns server.

To the extent that *Arganbright* discloses initiating a returns process by a returns server (which Appellant expressly disputes above), such returns process is not "in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise" from the customer. Appellant also notes that *Cybul* does not at all relate to a returns process or to the processing of returns of merchandise. Even more troubling, as shown above in Section A(1) of this Response, *Cybul* does not even disclose the recited "electronic selection comprising the click on the particular item of merchandise" from the customer. The M.P.E.P. provides that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). Because of the deficiencies of these references and the deficiencies of their proposed combination, Appellants respectfully submit that the piecemeal rejection of Appellant's claim over the proposed *Arganbright-Cybul* combination fails to give credence to the particular combination of claim elements and the sequence of claim steps specifically recited in Appellant's claim.

For at least these additional reasons, Appellant respectfully requests reconsideration and allowance of independent Claim 41.

3. **The proposed combination does not disclose, teach, or suggest “in response to receiving the electronic request from the computing system associated with the consumer, gathering transaction history data associated with the consumer from a computerized database.”**

As a third example of the deficiencies of the *Arganbright-Cybul* combination, Appellant’s Claim 41 recites “in response to receiving the electronic request from the computing system associated with the consumer, gathering transaction history data associated with the consumer from a computerized database.” In the *Final Office Action*, the Examiner relies upon *Arganbright* for disclosure of the recited claim elements. (*Final Office Action*, page 41). However, the cited portion of *Arganbright* merely discloses that “WWW shoppers are also preferably able to search and add to their shopping cart specific product SKUs, or identification numbers.” (*Arganbright*, Column 48, lines 5-14). Using conventional online shopping techniques, users can add selected products to a shopping basket. (*Arganbright*, Column 48, lines 33-38). During checkout, the user is authenticated upon being “forwarded to a login/create new user page (not shown).” (*Arganbright*, Column 48, lines 52-62). Thus, the cited portion of *Arganbright* merely discloses allowing a user to purchase items placed in an online shopping basket after a user logs in. There is no disclosure of “a client system identifier.” To the contrary, login information is associated with the user not the client system that the user uses. Accordingly, the proposed *Arganbright-Cybul* combination does not disclose, teach, or suggest “identifying the consumer, wherein identifying the consumer comprises receiving a client system identifier in a message from the consumer,” as recited in Claim 41.

For at least these additional reasons, Appellant respectfully requests reconsideration and allowance of independent Claim 41.

**F. The *Arganbright-Cybul* Combination is Improper**

Furthermore, Appellant submits that the Examiner has not presented a legally sufficient argument demonstrating a motivation to combine *Arganbright* with *Cybul*.

According to the M.P.E.P., in order “[t]o establish a prima facie case of obviousness . . . there must be some suggestion or motivation either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” See §2143. Notably absent from this list is an allowance for an Examiner’s conjectured assertion as to the motivation to combine reference teachings. A quote from the M.P.E.P. is directed specifically to this point: “[t]he examiner and the board asserted that it would have been within the skill of the art to substitute one type of detector for another in the system of the primary reference, however the court found there was **no support or explanation** of this conclusion and reversed.” See §2143.01 (I) (emphasis added). Thus, “the proper inquiry is whether there is something in the prior art as a whole to suggest the *desirability* . . . of making the combination.” *Id.* (internal quotations omitted) (emphasis original). “The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the **desirability** of the combination.” See §2143.01 (III) (emphasis original and added). Most recently, this requirement has been reaffirmed in an official USPTO memorandum dated May 3, 2007 wherein the Deputy Commissioner for Patent Operations pointed to sections of *KSR v. Teleflex*, which recite, “it will be necessary . . . to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue.” *KSR Int’l. Co v. Teleflex Inc.*, No. 04-1350 (April 30, 2007) (emphasis added).

As applied to the present application, the *Final Office Action* has failed to meet this burden because the Examiner has not shown “something in the prior art as a whole to suggest the *desirability*” of combining *Arganbright* with *Cybul*, but rather seems to rely on a conjectured assertion that “the references can be combined” without regard to the “desirability of the combination.” This directly conflicts with the M.P.E.P. requirements for supporting a motivation to combine references. Specifically, the Examiner only states “it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of *Cybul* into the disclosure of *Arganbright* in order to provide the consumer with the option to return items via internet or online.” (*Final Office Action*, page 4). These bald assertions do not meet the requirements of the M.P.E.P. The Examiner did not provide “support or explanation” for the motivation to make the proposed combinations nor did the Examiner show any “desirability” of doing so. Instead, the Examiner seems to base this assertion on pure conjecture. The alleged advantages provided by the Examiner do not provide an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Appellant’s invention *without using Appellants’*

*claims as a guide* to modify the particular techniques disclosed in *Arganbright* with the cited disclosure in *Cybul* (2) how one of ordinary skill in the art at the time of Applicants' invention would have actually done so; and (3) how doing so would purportedly meet the limitations of Claim 1. Indeed, if it were sufficient for Examiners to merely point to a purported advantage of one reference and conclude that it would have been obvious to combine or modify that reference with other references simply based on that advantage (which, as should be evident from the case law discussed above, it certainly is not), then virtually any two or more references would be combinable just based on the fact the one reference states an advantage of its system. Of course, as the Federal Circuit has made clear and as discussed above, that is not the law.

For at least these reasons, Appellant requests that the rejections of the present claims be withdrawn for want of a *prima facie* showing of obviousness as defined by the M.P.E.P. and for the various other reasons described above.

**III. Claims 3, 7-8, and 42-43 are Patentable under 35 U.S.C. § 103(a) over the *Arganbright-Cybul-Roman* Combination**

**A. Claims 3, 7-8, and 42-43 are Allowable**

Dependent Claims 3, 7-8, and 42-43 depend directly or indirectly on Claim 1. Accordingly, dependent Claims 3, 7-8, and 42-43 are not obvious over the proposed *Arganbright-Cybul-Roman* combination at least because Claims 3, 7-8, and 42-43 include the limitations of independent Claim 1, which Appellant has shown above to be allowable.

**B. The *Arganbright-Cybul-Roman-Official Notice* Combination is Improper**

Furthermore, Appellant submits that the Examiner has not presented a legally sufficient argument demonstrating a motivation to combine *Arganbright* with *Cybul* and/or *Roman*.

According to the M.P.E.P., in order "[t]o establish a *prima facie* case of obviousness . . . there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." See §2143. Notably absent from this list is an allowance for

an Examiner's conjectured assertion as to the motivation to combine reference teachings. A quote from the M.P.E.P. is directed specifically to this point: "[t]he examiner and the board asserted that it would have been within the skill of the art to substitute one type of detector for another in the system of the primary reference, however the court found there was **no support or explanation** of this conclusion and reversed." See §2143.01 (I) (emphasis added). Thus, "the proper inquiry is whether there is something in the prior art as a whole to suggest the *desirability* . . . of making the combination." *Id.* (internal quotations omitted) (emphasis original). "The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the **desirability** of the combination." See §2143.01 (III) (emphasis original and added). Most recently, this requirement has been reaffirmed in an official USPTO memorandum dated May 3, 2007 wherein the Deputy Commissioner for Patent Operations pointed to sections of *KSR v. Teleflex*, which recite, "it will be necessary . . . to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue." *KSR Int'l. Co v. Teleflex Inc.*, No. 04-1350 (April 30, 2007) (emphasis added).

As applied to the present application, the *Final Office Action* has failed to meet this burden because the Examiner has not shown "something in the prior art as a whole to suggest the *desirability*" of combining *Arganbright* with *Cybul* and/or *Roman*, but rather seems to rely on a conjectured assertion that "the references can be combined" without regard to the "desirability of the combination." This directly conflicts with the M.P.E.P. requirements for supporting a motivation to combine references. Specifically, the Examiner only states "it would have been obvious . . . to incorporate the teachings of *Cybul* into the disclosure of *Arganbright* in order to provide the consumer with the option to return items via internet or online." (*Final Office Action*, page 4). Additionally, the Examiner states that "it would have been obvious . . . to incorporate the teachings of *Roman* into the disclosure of *Arganbright* in view of *Cybul* in order to minimize the loss of revenues of the merchant." (*Final Office Action*, page 6). These bald assertions do not meet the requirements of the M.P.E.P. The Examiner did not provide "support or explanation" for the motivation to make the proposed combinations nor did the Examiner show any "desirability" of doing so. Instead, the Examiner seems to base this assertion on pure conjecture. The alleged advantages provided by the Examiner do not provide an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Appellant's invention *without using Appellants'*

*claims as a guide* to modify the particular techniques disclosed in *Arganbright* with the cited disclosure in *Roman*; (2) how one of ordinary skill in the art at the time of Applicants' invention would have actually done so; and (3) how doing so would purportedly meet the limitations of Claim 1. Indeed, if it were sufficient for Examiners to merely point to a purported advantage of one reference and conclude that it would have been obvious to combine or modify that reference with other references simply based on that advantage (which, as should be evident from the case law discussed above, it certainly is not), then virtually any two or more references would be combinable just based on the fact the one reference states an advantage of its system. Of course, as the Federal Circuit has made clear and as discussed above, that is not the law.

For at least these reasons, Appellant requests that the rejections of the present claims be withdrawn for want of a *prima facie* showing of obviousness as defined by the M.P.E.P. and for the various other reasons described above.



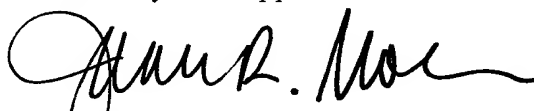
**CONCLUSION**

Appellant has demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellant respectfully requests the Board to reverse the final rejections and instruct the Examiner to issue a Notice of Allowance with respect to all pending claims.

No fees are believed due; however, the Commissioner is authorized to charge any additional fees or credits to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Appellant

A handwritten signature in black ink, appearing to read "Jenni R. Moen", written over the printed name.

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Dated: May 20, 2009

**Correspondence Address:**

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**APPENDIX A**

*Pending Claims*

1. (Previously Presented) A method for processing the returns of merchandise purchased through the World Wide Web comprising:

receiving, from a consumer, an electronic request via a computerized system associated with the consumer, the electronic request requesting to initiate processing of one or more items of merchandise purchased by the consumer in a prior purchase transaction;

in response to receiving the electronic request from the computing system associated with the consumer, gathering transaction history data associated with the consumer from a computerized database;

displaying the transaction history associated with the identified consumer to the consumer on the computerized system associated with the consumer, the transaction history identifying a listing of merchandise associated with the consumer;

in response to and after displaying the transaction history, receiving an electronic selection, generated by the consumer on the computerized system associated with the consumer, of a particular item of merchandise within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and identifying the particular item of merchandise for returns processing; and

in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise, initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in the prior purchase transaction, the returns process initiated by a returns server.

2. (Previously Presented) The method of Claim 1 further comprising retrieving a preference profile for the identified consumer.

3. (Previously Presented) The method of Claim 2 further comprising crediting a consumer account indicated in the consumer preference profile based upon the item selected.

4. (Previously Presented) The method of Claim 1 further comprising notifying a retailer associated with the item selected by the consumer.

5. (Previously Presented) The method of Claim 4 further comprising providing the retailer with the transaction information and consumer information associated with the item selected by the consumer.

6. (Original) The method of Claim 1 further comprising generating a return shipping label for the merchandise to be returned.

7. (Original) The method of Claim 1 further comprising notifying a shipping provider of a merchandise return to be picked up.

8. (Previously Presented) The method of Claim 1 further comprising:  
auctioning the merchandise selected for return by the consumer.

9. (Original) The method of Claim 1 further comprising communicating between a client system and a server system via the Internet.

35. (Previously Presented) The method of Claim 2, further comprising completing the returns process based upon settings in the consumer preference profile.

36. (Previously Presented) The method of Claim 2, wherein the consumer preference profile comprises a name associated with the consumer, credit information associated with the consumer, and shipping information associated with the consumer.

37. (Previously Presented) The method of Claim 1, wherein identifying the consumer comprises identifying the consumer using a login process.

38. (Previously Presented) The method of Claim 37, further comprising requesting transaction history data from a retailer on a real-time basis upon identifying the consumer using the login process.

39. (Previously Presented) The method of Claim 1, further comprising receiving transaction history data from a retailer on a periodic basis.

40. (Previously Presented) The method of Claim 1, wherein the listing of merchandise in the transaction history is indicative of merchandise purchased by the consumer from an e-tailer.

41. (Previously Presented) A method for processing the returns of merchandise purchased through the World Wide Web comprising:

receiving, from a consumer, an electronic request via a computerized system associated with the consumer, the electronic request requesting to initiate processing of one or more items of merchandise purchased by the consumer in a prior purchase transaction;

in response to receiving the electronic request from the computing system associated with the consumer, gathering transaction history data associated with the consumer from a computerized database;

displaying the transaction history associated with the identified consumer to the consumer on the computerized system associated with the consumer, the transaction history identifying a listing of merchandise associated with the consumer;

in response to and after displaying the transaction history, receiving an electronic selection, generated by the consumer on the computerized system associated with the consumer, of a particular item of merchandise within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and identifying the particular item of merchandise for returns processing; and

initiating a returns process in response to receiving the electronic selection; and

wherein identifying the consumer, wherein identifying the consumer comprises receiving a client system identifier in a message from the consumer.

42. (Previously Presented) The method of Claim 1, wherein initiating the return process comprises validating the item of merchandise selected to authorize the return of the item of merchandise.

43. (Previously Presented) The method of Claim 1, wherein initiating the return process comprises comparing information associated with the selection of the item of merchandise to at least one return rule of a retailer associated with the transaction.

44. (Previously Presented) The method of Claim 1, wherein initiating the return process comprises determining if the selected item of merchandise is perishable.

45. (Previously Presented) The method of Claim 1, wherein initiating the return process comprises using the computerized system associated with the consumer to generate a return shipping label to be used to return the selected item.

46. (Previously Presented) A method for processing the returns of merchandise purchased through the World Wide Web comprising:

receiving login information from a consumer associated with the purchase of one or more items of merchandise, the login information received from a computerized system associated with the consumer;

using the login information to complete a login process to identify the consumer;

gathering transaction history data associated with the identified consumer from a computerized database;

causing the transaction history associated with the identified consumer to be displayed to the consumer on the computerized system associated with the consumer, the transaction history identifying a listing of merchandise having been purchased by the consumer from a retailer;

in response to and after displaying the transaction history, receiving an electronic selection, generated by the consumer, of a particular item of merchandise within the listing of merchandise in the displayed transaction history, the electronic selection comprising a click on the particular item of merchandise within the list of merchandise and identifying the particular item of merchandise for returns processing; and

in response to receiving the electronic selection comprising the click on the particular item of merchandise within the list of merchandise, initiating a returns process for the particular item of merchandise selected by the consumer from the list of merchandise purchased by the consumer in a prior purchase transaction, the returns process initiated by a returns server.